



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

JAN 15 2003

REPLY TO THE ATTENTION OF

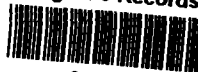
SC-6J

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Luke R. Corbett
Chairman and Chief Executive Officer
Kerr-McGee L.L.C.
123 Robert S. Kerr
Post Office Box 25861
Oklahoma City, OK 73125

EPA Region 5 Records Ctr.



226899

Re: Request for Information Pursuant to Section 104(e) of CERCLA for
Kerr-McGee L.L.C., in Chicago, Illinois

Dear Mr. Corbett:

The United States Environmental Protection Agency (Agency) is currently investigating the source, extent, and nature of releases of hazardous substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. §§ 9601 et seq., as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99-499, including but not limited to the July 8, 2002 release of contaminated soil and ore tailings at the Iowa Interstate Railroad facility at the Blue Island Rail yard, Blue Island, Illinois.

Pursuant to the authority of Section 104(e) of the CERCLA, 42 U.S.C. § 9604(e), you are hereby requested to respond to the Information Request enclosed. Compliance with the enclosed Information Request is mandatory. Failure to respond fully and truthfully to each and every request within **20 days** of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by the Agency and the imposition of penalties of up to \$27,500¹ for each day of noncompliance. Noncompliance is considered by the Agency to be not only failure to respond to the Request but also failure to respond completely and truthfully to each Request. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal fines or up to five years of imprisonment or both under 18 U.S.C. § 1001.

¹While the provisions of Section 104(e) (5) of CERCLA provide for a penalty per violation of up to \$25,000 per day, the Civil Monetary Penalty Inflation Adjustment Rule, published at 40 C.F.R. Part 19, increased the maximum penalty for each violation occurring on or after January 31, 1997, to \$27,500 per day.

The Agency has the authority to use the information requested herein in an administrative, civil, or criminal action. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. §§ 3501 et seq.

Your response to this Information Request should be mailed to:

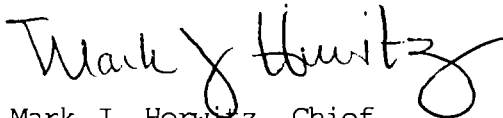
James A. Entzminger
Office of Chemical Emergency
Preparedness and Prevention (SC-6J)
United States Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604

Please direct any questions you may have regarding this Information Request to Mr. Entzminger at (312)886-4062.

The Agency strongly encourages you to give this matter your immediate attention and to respond to this Information Request within the time specified above.

Thank you for your cooperation in this matter.

Sincerely yours,



Mark J. Horwitz, Chief
Office of Chemical Emergency
Preparedness and Prevention

Enclosures (3) Information Request Definitions
Information Request Instructions
Information Request

DEFINITIONS

For the purpose of the Instructions and the Information Request set forth herein, the following definitions shall apply:

1. The term "you" or "Respondent" shall mean the addressee of the Information Request, the addressee's officers, managers, employees, contractors, trustees, and agents.
2. The term "person" as used herein, in the plural as well as the singular, shall mean any natural person, firm, contractor, corporation, partnership, trust or governmental entity, unless the context indicates otherwise.
3. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, including mixtures of hazardous substances with other substances including petroleum products.
4. The terms "furnish," "describe," or "indicate" shall mean turning over to the Agency either original or duplicate copies of the requested information in the possession, custody, or control of the Respondent. Where specific information has not been memorialized in any document but is nonetheless responsive to a request, you must respond to the request with a written response. If such requested information is not in your possession, custody, or control, then indicate where such information or documents may be obtained.
5. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing of any hazardous substance.
6. "And" as well as "or" shall be construed either conjunctively or disjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
7. The terms "transport" or "transportation" mean the movement of a hazardous substance by any mode, including pipeline, and in the case of a hazardous substance which has been accepted for transportation by a common or contract carrier, the terms "transport" or "transportation" shall include any stoppage in transit which is temporary, incidental to the transportation movement, and at the ordinary operating convenience of a common or contract carrier, and any such stoppage shall be considered as a continuity of movement and not as the storage of a hazardous substance.
8. The term "pollutant or contaminant" shall have the same definition as that contained in Section 101(33) of CERCLA, and include any mixtures of such pollutants and contaminants with any other substances.

9. The term "Facility" means (1) any building structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (2) any site or area where a hazardous substance has been disposed of, or placed, or otherwise come to be located, but does not include any consumer products in consumer use or vessel.
10. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901 et seq., as amended, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

INSTRUCTIONS

1. A separate response must be made to each of the questions set forth in this Information Request.
2. Precede each answer with the number in the Information Request to which it corresponds.
3. In answering each request, identify all contributing sources of information.
4. If information not known or not available to the Respondent as of the date of submission of its response should later become known or available, Respondent must supplement its response to the Agency. Moreover, should the Respondent find, at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, Respondent must notify the Agency as soon as possible.
5. Your response must be accompanied by a notarized affidavit from a responsible company official or representative stating that the information provided in this response is true and accurate to the best of the Facility's knowledge. To the extent that any information you provided relating to these requests is based on your personal knowledge, or personal knowledge of your employees, agents, or their representatives, this information shall be in the form of a notarized affidavit.
6. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by the Agency only to the extent, and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. [See 41 Federal Register 36902 et seq. (September 1, 1976); 43 Federal Register 4000 et seq. (December 18, 1985)]. If no such claim accompanies the information when it is received by the Agency, it may be made available to the public by the Agency without further notice to you. You should read carefully the above-cited regulations, together with the standards set forth in Section 104(e) (7) of CERCLA, before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim, as stated in Section 104(e) (7) (F) of CERCLA.

INFORMATION REQUEST

1. Identify all persons consulted in the preparation of the answers to this request.
2. Identify all documentation consulted, examined, or referred to in the preparation of the answers to this request and provide copies of all such documents.
3. What is Kerr-McGee L.L.C.'s Standard Industrial Classification Code?
4. What is Kerr-McGee L.L.C.'s Dun & Bradstreet number?
5. What are Kerr-McGee L.L.C.'s annual sales for the most recently completed fiscal year?
6. How many employees are employed at Kerr-McGee L.L.C. corporate wide?
7. Provide a copy of your emergency plan which outlines the procedures for notification of accidental releases at your facility.
8. Provide documentation regarding the training of your employees on the procedures for notification of accidental releases at your facility.
9. Provide the name and current address of the owner(s) of the property located at 13500 Mozart St., Blue Island, Illinois 60406, during the time period of January 1, 2002, to the present.
10. Provide the name and current address of the operator(s) of the facility located at 13500 Mozart St., Blue Island, Illinois 60406, during the time period of January 1, 2002, to the present.
11. Provide the name and current address of the owner(s) of the property located at 341 East Ohio, Chicago, Illinois during the time period of January 1, 2002, to the present.
12. Provide the name and current address of the operator(s) of the property located at 341 East Ohio, Chicago, Illinois during the time period of January 1, 2002, to the present.
13. Describe in detail the chain of events that produced the release of contaminated soil and ore tailings which occurred on July 8, 2002.
14. Identify each hazardous substance released and its Chemical Abstract Service (CAS) number.
15. How much contaminated soil and ore tailings were released?
16. What was the total weight of the contaminated soil and ore tailings?

17. What was the total volume of these hazardous substances? Describe your method or source of information in calculating the quantity released and provide the calculations.
18. Describe the surfaces on or to which contaminated soil and ore tailings were released and how much was released to each surface. Describe your method or source of information in calculating the quantity and provide the calculations.
19. How much of each hazardous substance was released or migrated onto and/or into the soil? Describe your method or source of information in calculating the quantity and provide the calculations.
20. Did the contaminated soil and ore tailings react with any substance to cause a by-product? If so, explain and provide the calculations to show the reaction and quantity of each by-product released.
21. What are the average concentrations, in pico curies per gram, of each of the radio nuclides released? Describe your method or source of information in determining the concentration.
22. Provide the results of any and all analyses, including but not limited to sample results of any sampling that was conducted regarding this release of contaminated soil and ore tailings.
23. Provide copies of any and all relevant descriptions of each hazardous substance(s) released, i.e., Material Safety Data Sheet (MSDS), Manifest, Analytical Data, etc.
24. Describe in detail the actions taken by your employees and/or anyone else regarding the emergency response to this release of contaminated soil and ore tailings, including any and all chemicals used, the handling or cleanup of the substance, including transportation and destination.
25. Did any of the contaminated soil and ore tailings released migrate beyond your facility's boundaries? If so, explain.
26. Provide copies of any permits that cover this release of contaminated soil and ore tailings, and provide an explanation of why you believe this release is covered by this permit.
27. If the release was to a containment area, please respond to the following information requests:
 - (a) What is the containment area made of?
 - (b) What is the dimensions of the containment area?

- (c) Did the containment area contain a neutralization agent? If so, what and how much of the neutralization agent was present?
28. Provide a diagram of your facility in relation to each of the facility's boundaries, north, east, south, west, and identify the distance between the point of the release and each facility boundary.
29. Provide a description of the area including residential, commercial and industrial nature of the area surrounding your facility including the approximate distance of your closest neighbor in each direction. If commercial or industrial please specify type.
30. If the release of contaminated soil and ore tailings was from a storage area, i.e., storage container, shipping container, etc., provide the following information:
- (a) Location of the container or storage area, inside or outside of a building, ground level, one story up, etc.
 - (b) Location of the leak in relation to the container or storage area, i.e., top left side, center top, center side, etc.
 - (c) Size of the hole from which the leak occurred.
 - (d) Length of container or storage area.
 - (e) Width of container or storage area.
 - (f) Duration of the release.
 - (g) Did the container(s) used to deliver the contaminated soil and ore tailings bear any markings or DOT placards? If so, please describe.
 - (h) Give the capacity and empty weight of the container(s) that used to deliver the contaminated soil and ore tailings?
31. Did the container(s) exhibit any observable rust, corrosion, broken, or missing parts? Please provide pictures of the container(s).
32. What was the weight of the loaded container(s) when it left your facility? Provide documentation to support your claim.
33. Give the dimensions, capacity, and empty weight of the container holding the contaminated soil and ore tailings that were being moved, lifted, or transferred when the spill occurred.
34. Provide the weather conditions at the time of the release of the contaminated soil and ore tailings including the temperature, humidity, wind speed and direction, precipitation, sunny/cloudy, and barometric conditions.
35. If all the contaminated soil and ore tailings in the system were not released on July 8, 2002, how much contaminated soil and ore tailings

were in the system at the time of the release, and how much contaminated soil and ore tailings were left in the container after the release was stopped?

36. Were there any evacuations, persons medically treated, hospitalizations, and/or deaths associated with this radioactive soil release? If so, describe in detail.
37. Was there any known environmental damage, i.e., fish kills, vegetation damage? If so, describe in detail.
38. Provide both the date and time when you first realized that a hazardous substance was released from the facility on July 8, 2002.
39. Provide both the date and time when you had knowledge that a reportable quantity (RQ) of a hazardous substance(s) was released from the facility on July 8, 2002.
40. If the time of knowledge of the release of radio nuclide contaminated soil and ore tailings and time of knowledge of an RQ of these substances released is not the same, explain what actions your employees took in determining that an RQ was released.
41. Did Kerr-McGee L.L.C. notify the National Response Center regarding the July 8, 2002, release? If so, provide the name of the individual that provided the notification, the agency notified, and the date and time of each call.
42. Did Kerr-McGee L.L.C. notify the Illinois State Emergency Management Agency regarding the July 8, 2002, release? If so, provide the name of the individual that provided the notification, the agency notified, and the date and time of each call.
43. Did Kerr-McGee L.L.C. notify the Cook County Emergency Management Agency regarding the July 8, 2002, release? If so, provide the name of the individual that provided the notification, the agency notified, and the date and time of each call.
44. Did Kerr-McGee L.L.C. provide a written follow-up emergency notice to the Illinois State Emergency Management Agency, as required by the Emergency Planning and Community Right-To-Know Act Section 304(c)? If so, provide documentation to support your claim.
45. Did Kerr-McGee L.L.C. provide a written follow-up emergency notice to the Cook County Emergency Management Agency, as required by EPCRA Section 304(c)? If so, provide documentation to support your claim.

46. Did Kerr-McGee L.L.C. have a lease arrangement with Iowa Interstate Railroad for any portion of the property located where the contaminated soil and ore tailings were released? If so, please provide documentation to support your claim.
47. Has any other investigation taken place, besides the Agency's investigation, regarding the contaminated soil and ore tailings release? If so, please provide a copy of the report generated from the investigation.